

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SU PING YU a/k/a Amy Yu, <i>on her own behalf and on behalf of others similarly situated,</i>	:	
	:	
Plaintiff,	:	19cv7601
	:	
-against-	:	<u>ORDER</u>
	:	
SHANGHAI DUMPLING INC d/b/a Shanghai Dumpling, <i>et al.</i> ,	:	
	:	
Defendants.	:	
	:	

WILLIAM H. PAULEY III, Senior United States District Judge:

On December 20, 2019, this Court conducted a status conference with counsel for the parties to discuss Plaintiff's objection to proceeding before the magistrate judge for all purposes. After hearing Plaintiff's counsel's unconvincing arguments for refusing to consent, this Court set the matter down for trial on January 27, 2020. Nevertheless, this Court afforded Plaintiff's counsel an additional opportunity to reconsider his position and advise the Court no later than December 27, 2019 whether Plaintiff would consent to the magistrate judge. In the absence of such consent, this Court made it crystal clear that trial would proceed as scheduled on January 27, 2020 to end further gamesmanship.

By letter dated December 27, 2019, Plaintiff's counsel declined to consent to proceeding before the magistrate judge but coyly suggested that Plaintiff might change her mind later. (ECF No. 22.) On January 9, 2020, Plaintiff's counsel filed another letter stating that Plaintiff would consent to proceeding before the magistrate judge for all purposes and to consolidation for trial with two other cases filed by Cindy Chen. (ECF No. 27.) Defendants opposed the application. (ECF No. 28.)

Plaintiff's application is denied. This Court fixed a deadline of December 27, 2019 to avoid just such antics by Plaintiff's counsel. Plaintiff's change of heart is thirteen days too late. And trial will proceed in thirteen days as scheduled on January 27, 2020 at 9:30 a.m. Defendants' request for attorneys' fees is denied.

Dated: January 14, 2020
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III
U.S.D.J.